

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT WHARTON,
Petitioner,

v.

DONALD T. VAUGHN,
Respondent.

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CIVIL ACTION

No. 01-6049

ORDER

AND NOW, this 16th day of August, 2012, after an evidentiary hearing on February 8 and 10, 2012, and upon consideration of the “Petition for a Writ of Habeas Corpus and Consolidated Memorandum of Law” (Doc. No. 22), Petitioner’s “Amendment to Petition for Writ of Habeas Corpus” (Doc. No. 33), Petitioner’s Second “Amendment to Petition for Writ of Habeas Corpus” (Doc. No. 90), and Petitioner’s “Post-Hearing Brief on Habeas Claims II and III” (Doc. No. 119), and the responses and replies thereto, it is hereby **ORDERED** that:

1. The Petition for Habeas Corpus, (Doc. Nos. 22, 33, 90), is **DENIED**.
2. A certificate of appealability shall **ISSUE** as to Petitioner’s claims that he was denied effective assistance of counsel in connection with his trial and suppression hearing (Claim II), and Petitioner’s Confrontation Clause claim under Bruton v. United States, 391 U.S. 123 (1968) (Claim VI). The certificate of appealability is **DENIED** in all other respects.

3. This case shall be marked as **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.